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Report of the Secretary-General on progress in the implementation of the 31 December 2016 political agreement

I. Introduction

1. The present report covers developments in the Democratic Republic of the Congo since 5 January 2018 and is submitted pursuant to resolution 2348 (2017), in which the Security Council requested the Secretary-General to update it in writing every 45 days on political and technical progress and obstacles to the implementation of the 31 December 2016 political agreement.

II. Key political developments related to the implementation of the agreement

2. Heightened tensions and deepening divergences over the implementation of the 31 December 2016 agreement have marked the reporting period, with the Majorité présidentielle and most actors of the political opposition still at odds over key issues. While the Majorité présidentielle appears to have maintained its focus on preparations for the planned elections, the opposition continues to call for protests to force the President of the Democratic Republic of the Congo, Joseph Kabila, out of office. Meanwhile, in recent weeks, the Comité laïc de coordination (CLC) — a group of Catholic activists — has emerged as the most active actor on the political scene.

3. Following the 31 December and early January protests, the Government held an extraordinary session of the Council of Ministers on 5 January and issued a statement in which it accused the Archbishop of Kinshasa, Cardinal Laurent Monsegwo Pasinya, of insulting the country's leaders and its security forces and characterized the 31 December protests as insurrectionist efforts by the Catholic Church and the primary security threat facing Kinshasa.

4. Following its call for popular protests on 31 December 2017 to demand the full implementation of the year-old political agreement, CLC, supported by the Catholic Church, opposition parties and a number civil society groups, called for yet another day of nationwide demonstrations on 21 January to reiterate the same demand. This led to an escalation of rhetoric between supporters of President Kabila and those of Cardinal Monsegwo Pasinya and a series of clashes with security forces, during which 6 people were killed in Kinshasa and 68 people were wounded and at least 121 were arbitrarily arrested across the country.

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5. At a mass held in Kinshasa on 23 January, two days after the deadly protests, Cardinal Monsengwo Pasinya denounced restrictions on the freedom of religion and the freedom of movement of members of the Catholic congregation.

6. On 26 January, President Kabila held a press conference, his first in five years, during which he stressed that, as announced by the Independent National Electoral Commission, presidential elections would take place on 23 December 2018 and lead to a transfer of power. When asked whether he would run for re-election, the President pointed to the Constitution, which bars him from holding a third term in office. Reacting to the violence in the context of public protests, the President noted that peaceful demonstrations should be permitted, adding that those organizing demonstrations should be held accountable if they turn violent. He also called on the Parliament to examine laws on public demonstrations.

7. On 27 January, some opposition leaders held their own press conferences. The leader of the Union pour la nation congolaise, Vital Kamerhe, deplored the fact that the confidence-building measures envisaged in the 31 December 2016 agreement had not been implemented, adding that opposition figures remained in jail or lived in hiding and that the President's views did not correspond with those of the rest of the country. The leader of the Groupe des sept coalition of political parties, Pierre Lumbi, expressed concern that the President was not responding to the aspirations of the citizens.

III. Key electoral developments related to the implementation of the agreement

Electoral developments

8. At a press conference held on 31 January, the President of the Independent National Electoral Commission announced the conclusion of the voter registration process. According to the Commission, over 46 million potential voters have now been registered across the 26 provinces of the Democratic Republic of the Congo, which is well above the 41 million initially expected. Among those registered, 47 per cent are women.

9. During the reporting period, the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) and the United Nations Development Programme (UNDP) continued to support the voter registration efforts of the Independent National Electoral Commission. The Mission has made 64,000 litres of fuel available to the Commission for the operationalization of the last voter registration centres in the Kasai Province. The funding of the Democratic Republic of the Congo electoral support project, a multi-partner basket fund managed by UNDP, initially budgeted at $123.3 million, was revised downward to $65.5 million. Discussions with the Commission concerning finalization of the project are ongoing.

10. On 5 January, the President of the Independent National Electoral Commission launched the voter sensitization campaign on the use of the voting machines in Kinshasa. The Commission plans to use a total of 106,000 voting machines during the upcoming elections. In recent weeks, political actors from the opposition and some international partners have expressed reservations regarding the use of voting machines in the upcoming elections, arguing that they could be used for election fraud. The Commission claims instead that their use will reduce cost and fraud.

11. In December, the Government Spokesperson and Minister of Communications, Lambert Mende, announced that the Government would launch the disbursement of a monthly instalment of $60 million to the Commission in January, in view of the

planned elections. As at 31 January, the Government had not yet disbursed the January instalment.

Restrictions on political space and violence related to the implementation of the political agreement in the electoral context

12. During the reporting period, authorities continued to prohibit and repress protests by opposition political parties and civil society organizations. During the 21 January protests, at least six people were killed in Kinshasa, including two women. Across the country, 68 persons were injured and 121 persons, including 4 children, were arbitrarily arrested. Victims included priests and members of civil society organizations and opposition parties.

13. In the context of those protests, MONUSCO teams were attacked by security forces. In Kinshasa, a MONUSCO human rights officer who was monitoring the events at Saint Michel church in the Bandalungwa commune was beaten by the military police, who also fired tear gas towards a MONUSCO patrol. Two MONUSCO teams were threatened and forced to withdraw. MONUSCO teams were also denied access to information and to many sites, including morgues, hospitals and detention facilities.

14. Reports of harassment or threats by Congolese authorities aimed at restricting the work of national or international journalists and restrictions on freedom of information and freedom of expression increased over the reporting period. Those affected included journalists working for Radio Okapi, a broadcaster owned and operated by the Mission. In Kisangani, a Radio Okapi journalist and a driver covering the demonstrations were threatened and chased by members of the Republican Guard. On 2 January, at a morgue in Kinshasa, the military police arrested the correspondent of Radio France Internationale, who was covering the events of 31 December. Following advocacy efforts by MONUSCO, the journalist was released later that day, along with three persons the journalist had interviewed.

15. In January, MONUSCO published its annual analysis of the human rights situation in 2017, highlighting that 1,375 alleged violations related to democratic space were documented during the year. This represents an increase of 25 per cent compared with 2016 and indicates the continuous shrinking of democratic space and increasing restrictions on civil and political rights. State agents continue to be responsible for most of the alleged violations (97 per cent of the total), including 712 by the Congolese National Police, 269 by the Armed Forces of the Democratic Republic of the Congo, 153 by political/administrative authorities and 135 by officers of the Agence nationale du renseignement. Alleged violations mainly consisted of arbitrary arrests and detentions, violations of the rights to freedom of opinion, expression and peaceful assembly, and the targeting of human rights defenders, political opponents and journalists. Perpetrators continue to enjoy impunity, with no significant investigation, follow-up or convictions in any of the cases recorded.

Confidence-building measures

16. Progress in the implementation of the confidence-building measures has been slow and remains incomplete. The Government has yet to take adequate steps to fully open the political space and create an environment conducive to the holding of credible elections. Over the past 12 months, only a few demonstrations organized by parties of the Majorité présidentielle have been authorized, and demonstrations organized by opposition parties and civil society groups have been systematically forbidden. MONUSCO remains engaged with the Government to facilitate the authorization of peaceful demonstrations, including by developing a code of conduct

and working with protest organizers to ensure the peaceful nature of any demonstrations.

17. Twenty-five political prisoners were released during the period under review. On 26 January, the Minister of Justice, Alexis Thambwe Mwamba, announced the release of 10 additional prisoners covered by a 2014 amnesty. Ninety political prisoners remain in detention. The Government has agreed to discuss these cases with MONUSCO and to have a regular exchange of information. The Government has also agreed to review the emblematic case of the opposition leader Jean-Claude Muyambo, whose prison sentence was extended from 26 months to five years. Regarding freedom of the media, the Government has authorized selected opposition-aligned media outlets to broadcast. However, more progress is required to achieve equal access to public media for all political parties.

IV. Good offices efforts in support of the implementation of the agreement

18. In support of the implementation of the 31 December 2016 agreement, my Deputy Special Representative in the Democratic Republic of the Congo, David Gressly, continued to engage with relevant stakeholders, including national authorities, urging them to take concrete steps in the implementation of confidence-building measures, especially the release of political prisoners. He also called on the authorities to allow opposition parties and civil society groups to hold peaceful demonstrations, and encouraged them to instruct security forces to exercise restraint in the context of those demonstrations.

19. Regional actors have also remained engaged in efforts to implement the agreement. On 9 January, a senior adviser to the Chairperson of the African Union Commission, Moussa Faki, visited Kinshasa for consultations with President Kabila and key political figures from the Majorité présidentielle and the opposition.

20. Also on 9 January, the President of the Congo, Denis Sassou Nguesso, met in Brazzaville with a visiting delegation of the Episcopal Conference of the Congo to discuss progress in the implementation of the agreement. The delegation shared its views on the ongoing transition and on preparations for the holding of elections. It also urged President Sassou to remain engaged in efforts to find solutions to the political challenges facing the Democratic Republic of the Congo.

21. On 30 January, the Executive Secretary of the Southern African Development Community (SADC), Stergomena Tax, visited Kinshasa and consulted with national stakeholders.

22. My Special Envoy for the Great Lakes Region, Saïd Djinnit, has also continued his consultations with officials from the African Union, the International Conference on the Great Lakes Region and SADC on a visit to the Democratic Republic of the Congo of representatives of these institutions in their capacity as the guarantors of the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region, as decided during their meeting in Addis Ababa on 22 November 2017.

V. Observations

23. Thirteen months have passed since the signing of the 31 December 2016 agreement and, while the update of the voter register has reached its final stage and an electoral calendar has been issued, little has been done to implement the

confidence-building measures aimed at creating a conducive environment for peaceful and credible elections. I am concerned that this situation is fuelling renewed political instability, threatening the gains made in recent months and exacerbating an already difficult security, economic, human rights and humanitarian situation.

24. In recent weeks, amidst the continued deterioration of the political climate, the Catholic Church — a central institution in the lives of millions of Congolese — has regrettably been drawn into deep political divisions. The increasingly antagonistic rhetoric that has dominated public exchanges between the authorities and leaders of the Church is a matter of grave concern. It carries with it the risk of an ever more acrimonious and polarized public debate at a time when restraint and compromise are required for credible and fair elections to take place. Once again, I call on all stakeholders to work constructively towards a peaceful resolution of their differences, while keeping in mind that the full implementation of the 31 December agreement remains the only viable path out of the current political stalemate. I also stress that the security forces must respect the sanctity of all places of worship.

25. I commend the efforts made by the Independent National Electoral Commission to complete the update of the voter register. The successful conclusion of this process must now pave the way for the adoption by the March session of the Parliament of the law on the distribution of seats, which is an important requirement for the timely holding of the polls. Moving forward, it is imperative that all institutions, political actors and public figures who have a role to play in the holding of these elections exercise maturity, wisdom and responsibility, while encouraging their supporters to do the same. I further call on the authorities, political leaders on all sides, faith leaders and civil society groups to work together to create an environment conducive to the holding of credible and fair elections.

26. I welcome President Kabila's commitment, expressed at a press conference on 26 January in Kinshasa, to ensure that elections are held as planned. I also welcome his assurances that the Constitution of the Democratic Republic of the Congo will be respected. I take note of his call to Parliament to examine laws related to public demonstrations, with a view to improving them. I encourage members of Parliament to heed this call and take up this pressing issue during their March session, with the objective of opening democratic space.

27. Once again, I call on leaders of the opposition to join the political and electoral process to ensure that the voices they represent are heard and considered in the decision-making process. Today, as in the past, all political actors must realize that there is no alternative to participating in elections.

28. I am appalled by the deaths of at least 15 demonstrators, the injury of dozens and the arrest of hundreds during a series of protests in recent weeks. I once again urge the authorities to conduct credible investigations into the circumstances surrounding these deaths and bring those responsible to justice. I encourage them to work with all stakeholders to facilitate the holding of peaceful demonstrations and ensure freedom of expression for all Congolese citizens, as this is one of the foundations required for credible, free and fair elections. At the same time, I remind demonstrators, the opposition and civil society groups that they have an obligation to protest in a peaceful manner in conformity with the law. Similarly, the authorities must ensure that the security forces and civil authorities promote and protect the basic rights and fundamental freedoms guaranteed by the Constitution.

29. I welcome the release of 25 political prisoners during the period under review, but I am gravely concerned that at least 90 political prisoners remain in detention. I call on the Government to fully implement the confidence-building measures stipulated in the 31 December agreement and halt arbitrary arrests and detentions.

30. I condemn the recent acts of intimidation by the security forces against MONUSCO personnel while they were monitoring demonstrations, particularly in Kinshasa. I would like to remind the Government of its responsibility to ensure their safety during the exercise of their duties.

31. Finally, I call on the international community and regional bodies, including the African Union, SADC, the International Conference on the Great Lakes Region and the Economic Community of Central African States, to provide the necessary support to the timely holding of elections leading to a democratic transfer of power. I urge all stakeholders, from the region and beyond, to coordinate and intensify their efforts to help overcome the current political impasse and prepare the ground for credible elections, in line with the 31 December 2016 agreement and the legitimate aspirations of the Congolese people.